

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, MARCH 30, 2017**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Edds, Steve; Chairman
Chaney, Mike; Insurance Commissioner
Fisher, Marshall; Commissioner of Public Safety
Fitch, Lynn; State Treasurer
Jackson, Laura; Executive Director, MS Department of Finance and Administration
Rikard, Gary; Executive Director, MS Department of Environmental Quality
Whitley, Onetta; Deputy Attorney General, Representing Attorney General Jim Hood

Also present were:

Donaldson, Bruce; Tort Claims Board
Eads, Jay; Attorney General's Office, Department of Public Safety
Gillard, Chris; Department of Public Safety
Graham, Jesse; Deputy State Treasurer
Kelly, Trina; Tort Claims Board
Kelsey, Christina; MS Insurance Department
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Milner, Steve; Tort Claims Board
Rayburn, Amanda; Cannon Cochran Management Services, Inc.
Smith, Dan; Attorney General's Office
Wells, Teresa; Tort Claims Board
Wilson, Jeff; Trinity Capital
Younger, Jim; Department of Public Safety

The Chairman called the meeting to order.

Motion was made by Commissioner Chaney to approve the minutes of the January 12, 2017, meeting. Mrs. Jackson seconded the motion, which passed unanimously.

In Old Business, Mrs. McElroy provided a legislative update.

In New Business, Mrs. McElroy presented a recommendation to exercise the option to renew the contract with actuary Chris Burkhalter for one year after the current contract expires June 30, 2017. Commissioner Chaney moved to approve and Mrs. Jackson seconded. The motion passed unanimously.

Mr. Logan presented financial report for fiscal year 2017 through February 28, 2017. Total expenses are just over \$3.2 million. After taking the budget cuts ordered by the Governor in January and February, we are left with a General Fund balance of \$1.4 million. Claim payments total just over \$2.1 million, and legal expenses total \$513,718. The Average Claim Paid for the period is just over \$4,000 and Average Reserve is just over \$18,000. Looking at the Budget Comparison Report, the important thing to note is that we have spent nearly 70% of our Subsidies budget and just under 70% of our total budget when we're only two-thirds of the way through the fiscal year. As a note, all budget cuts were taken from the Contractual category.

Mr. Wilson presented the investment report through February 2017. The portfolio has a book value just over \$13.25 million, with an internal rate of return that is up to 1.1% and a book yield just under 2%. The weighted average life of our portfolio is 2.7 years, which we will reassess in August. We are earning just under \$120,000 for the calendar year, with just under \$40,000 in interest.


Mr. Milner provided members a report of his Loss Control activities since the last Board meeting, noting his post-tornado safety assessments in Hattiesburg and emergency support with MEMA and the Department of Health.

Mrs. McElroy presented three (3) attorneys for inclusion on the approved Attorney Register: Peter C. Abide of Currie Johnson & Myers, P.A. in Biloxi; Arthur H. Calderon of Carr Calderon, PLLC in Cleveland; and David E. Stovall of Wilkins, Patterson, Smith, Pumphrey & Doty, P.A. in Jackson. All meet the eligibility requirements of the Board and staff recommends approval. Mrs. Jackson moved to approve and Commissioner Chaney seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 26 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Jackson made a motion to approve the list and Commissioner Chaney seconded the motion, which passed by unanimous vote.

For the Claims Report, Mrs. McElroy provided the Board information regarding the denial of a claim for Diamond Lemon, who was involved in an automobile accident with Trooper Rodney Williams at the Ray of Hope daycare in Grenada. Commissioner Fisher spoke to members regarding his request for reconsideration of the claim. Following discussion, Commissioner Chaney made a motion to pay the claim. State Treasurer Lynn Fitch seconded the motion, which carried.

There being no further business to come before the Board, the meeting was adjourned.



STEVE EDDS, CHAIRMAN



MIKE CHANEY, BOARD MEMBER



LYNN FITCH, BOARD MEMBER



JIM HOOD, BOARD MEMBER

LAURA D. JACKSON, BOARD MEMBER



GARY RIKARD, BOARD MEMBER

MARSHALL FISHER, BOARD MEMBER

Mississippi Tort Claims Board
March 30, 2017 - 1:30pm
Conference Center North, Room 138
First Floor, Woolfolk Building
Jackson, Mississippi

ATTENDANCE LIST

<u>NAME</u>	<u>DEPARTMENT/COMPANY</u>
Steven Milner	TCB
Aeresa Wells	MTCB
Chris Hillard	MHP
JAY TASS	DPS
Jim Younger	DPS
Jefferson	Trinity Capital
Ang	TCB
LEA ANNE McELROY	TCB
Doug C. Kizer	MOEQ
Russ Davidson	TCB
Christa J. Thel	MID
Don Smith	AG
Lamar Jackson	DA
Tim Chan	mid
Christa White	AG
Ang B	TCB
MJ Fink	DPS
Tim Eder	Chamman
Tim Kelly	TORT
Tom Fink	OST

Mississippi Tort Claims Board
Thursday, March 30, 2017 – 1:30 P.M.

AGENDA

- I.** Approval of Minutes
 - A. January 12, 2017
- II.** Old Business
 - A. Legislative Update
- III.** New Business
 - A. Actuary Contract – Bickerstaff, Whatley, Ryan & Burkhalter
- IV.** Financial Reports
 - A. Financial Report – Jim Logan
 - B. Investment Report – Jeff Wilson
- V.** Loss Control – Steve Milner
- VI.** Attorney General’s Report – Lea Ann McElroy
- VII.** Certificates of Coverage – Lea Ann McElroy
- VIII.** Claims Report – Lea Ann McElroy
 - A. Diamond Lemon (DPS/Trooper Rodney Williams)
- IX.** Adjournment

Next meeting date and time: May 11, 2017 – 1:30 P.M.
Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, JANUARY 12, 2017**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Edds, Steve; Chairman
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood
Graham, Jesse; Deputy State Treasurer, Representing Treasurer Lynn Fitch
Jackson, Laura; Executive Director, MS Department of Finance and Administration
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance
Department

Also present were:

Donaldson, Bruce; Tort Claims Board
Eads, Jay; Attorney General's Office, Department of Public Safety
Huerta, Christina; Office of the State Treasurer
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Preziosi, Misti; Office of the State Treasurer
Smith, Dan; Attorney General's Office
Wilson, Jeff; Trinity Capital
Wells, Lisa; Cannon Cochran Management Services, Inc.

The Chairman called the meeting to order.

Motion was made by Mrs. Jackson to approve the minutes of the November 10, 2016, meeting. Mrs. Kelsey seconded the motion, which passed unanimously.

There was no Old Business.

In New Business, Mrs. McElroy presented a proposal for a liability claims audit from Tim Farley of Farley Management, Inc. and recommended approval of a contract for an audit to take place March 22-24, 2017. Mrs. Kelsey moved to approve and Mr. Lanford seconded. The motion passed unanimously.

Also in New Business, Mrs. McElroy presented the Investment Policy which must be approved annually by the Board. No changes were made from the 2016 version. Mr. Graham

made a motion to approve the policy and Mr. Lanford seconded the motion, which passed by unanimous vote.

Lastly, Mrs. McElroy provided a legislative update for the Board regarding our requested bill.

Mr. Logan presented financial report for fiscal year 2017 through December 31, 2016. Total expenses are just under \$2.9 million. That leaves us with a General Fund balance of just under \$2 million. Claim payments total just over \$2 million, and legal expenses total \$334,504. The Average Claim Paid for the period is \$4,671 and Average Reserve is just under \$14,000. Looking at the Budget Comparison Report, the important thing to note is that we have spent nearly 70% of our Subsidies budget and just under 60% of our total budget at the halfway point in the fiscal year.

Mr. Wilson presented the investment report through December 2016. The portfolio has a book value just over \$13.2 million, with an internal rate of return of just over 1.5%. The weighted average life of our portfolio is just over 1.5 years, with earning at just over \$175,000 for the calendar year. He reviewed portfolio composition and maturity distribution, noting that we are over-weighted in the first twelve months but they are working to push that out to the 2-4 year range to even out liabilities and improve the rate of return. Lastly he reviewed the performance of the portfolio compared against the Custom Index and Total Return.

In Mr. Milner's absence, Mrs. McElroy provided members a report of his Loss Control activities since the last Board meeting.

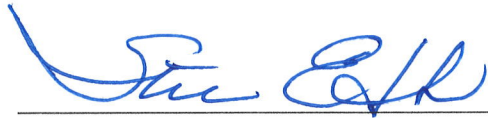
There was no Attorney General's Report.

Mrs. McElroy presented a list of 53 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Kelsey made a motion to approve the list and Mr. Lanford seconded the motion, which passed by unanimous vote.


Mr. Donaldson provided a brief claim update including the fact that as of today we have set up 526 claims, about 100 less than this time last year. However, he urged Board members not to read anything into that statistic - we'll have to see how this year continues to play out.

The Chairman noted that he will be out of town on March 9th – the scheduled date for the next Board meeting. Members agreed to tentatively move the meeting to March 23rd to fit his schedule and avoid any potential Spring Break conflicts.

There being no further business to come before the Board, the meeting was adjourned.



STEVE EDDS, CHAIRMAN



MIKE CHANEY, BOARD MEMBER



LYNN FITCH, BOARD MEMBER



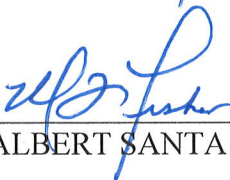
JIM HOOD, BOARD MEMBER



LAURA D. JACKSON, BOARD MEMBER



GARY RIKARD, BOARD MEMBER



ALBERT SANTA CRUZ, BOARD MEMBER

Tort Claims Act Legislation Summary

2017 Legislative Session

Bill No.	Introduced By	Last Action	MTCA Reference	Description	Notes
HB926	White	Approved by Governor (3/28)	11-46-1	Health Care Collaboration Act of 2017 Amends the definition of "State" to include health care collaboratives	This bill makes it easier for UMMC to work with private hospitals and healthcare providers around the state.
SB2625	Clarke	Died in Conference (3/27)	11-46-17	Tort Claims Board shall be exempt from the requirement [of SB2362] that special funds are to be deposited into the State General Fund and from the prohibition against charging fees	Effective upon passage Also gives Board the authority to assess in FY17
SB2709	Tindell	Approved by Governor (3/20)	11-46-18	Amends 11-46-18 to allow designees for each Board member	Our requested bill
SB2998	Clarke Hopson Burton Hill Wilemon	Conference Report Adopted by Senate (3/26) Conference Report Adopted by House (3/27)		FY18 Appropriation	Special fund authority for our full request of \$6,522,500

SB3015	Clarke	Conference Report Adopted (3/27)		Additional appropriation of general funds, capital expense funds, and special funds for FY17 and FY18	\$1,585,056 deficit appropriation out of "any money to the credit of DFA" beginning upon passage and through June 30, 2018
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as of 03/29/2017 11:00am



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
STEPHEN C. EDDS, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
MARSHALL L. FISHER, Commissioner
Department of Public Safety
LYNN FITCH, Treasurer
Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
LAURA D. JACKSON, Executive Director
Department of Finance and Administration
GARY RIKARD, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: MS Tort Claims Board
FROM: Lea Ann McElroy
DATE: March 30, 2017
RE: Actuary Contract Option

RECOMMENDATION: Staff recommends approval of contract renewal as noted.

Chris Burkhalter of Bickerstaff Whatley Ryan & Burkhalter – Mr. Burkhalter's current contract expires June 30, 2017; however, "the Board shall have the option to renew this contract under the same terms herein for a period of one (1) year after the expiration of the term herein." This request is to exercise that one year option to run through June 30, 2018. Terms are as follows:

1-year option through June 30, 2018 \$11,000

Work on other projects as directed will be billed at \$200/hour.

MISSISSIPPI TORT CLAIMS BOARD
Combined Financial Report - Fiscal Year 2017
General Fund 2208000000

	January	February	Year-To-Date
<i>GENERAL FUND EXPENSES:</i>			
Claim Losses - TCB only	6,509.24	2,650.53	85,914.81
Legal Expenses - TCB only	153,496.81	25,717.96	513,718.33
Other Expenses - TCB only	0.00	0.00	0.00
Administrative Expenses Paid	127,272.51	59,597.67	666,396.57
Transfer of Funds - Out to TPA	0.00	0.00	2,000,000.00
Total Expenses	\$ 287,278.56	\$ 87,966.16	\$ 3,266,029.71
<i>GENERAL FUND BALANCE:</i>			
Beginning Balance	\$ 1,966,391.01	\$ 1,607,294.45	
Expenses	(287,278.56)	(87,966.16)	
Adjustment (Budget Reduction)	(71,818.00)	(71,747.00)	
Total General Fund Balance	\$ 1,607,294.45	\$ 1,447,581.29	
Less Reserves	\$ 7,920,120.60	\$ 8,162,586.45	
General Fund less Reserves	\$ (6,312,826.15)	\$ (6,715,005.16)	

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	Tort Board	Mgt. Services	TOTAL
Claims - Payments	\$ 85,914.81	\$ 2,086,736.88	\$ 2,172,651.69
Claims - Legal Expenses	513,718.33	-	513,718.33
Claims - Other Expenses	-	12,800.30	12,800.30
Total Paid Out to Date	\$ 599,633.14	\$ 2,099,537.18	\$ 2,699,170.32
OUTSTANDING RESERVES	413,819.81	7,748,766.64	8,162,586.45
Total Claims & Reserves	\$ 1,013,452.95	\$ 9,848,303.82	10,861,756.77
Number of Claims Created	324	295	619
Number of Claims Paid	222	297	519
Total Open Claims	136	306	442
AVG. CLAIM \$ / # CLAIMS PAID	\$387.00	\$7,026.05	\$ 4,186.23
AVG. RESERVE / OPEN CLAIMS	\$3,042.79	\$25,322.77	\$ 18,467.39

NOTE: Information represents combined operations for General Fund 2208000000 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report

General Fund 2208000000

Fiscal Year 2017

Expenses:	Total Budget	January 2017	February 2017	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 560,000.00	\$ 46,165.71	\$ 46,164.91	\$ 369,919.24	\$ 190,080.76	66.06%
A2-Travel	4,000.00	0.00	0.00	2,089.95	1,910.05	52.25%
B-Contractual	1,140,667.00	234,407.51	38,849.54	805,452.50	335,214.50	70.61%
C-Commodities	7,000.00	196.10	301.18	2,653.21	4,346.79	37.90%
D2-Capital Outlay	1,500.00	0.00	0.00	0.00	1,500.00	0.00%
E-Subsidies	3,000,444.00	6,509.24	2,650.53	2,085,914.81	914,529.19	69.52%
SUBTOTAL	<u>\$ 4,713,611.00</u>	<u>\$ 287,278.56</u>	<u>\$ 87,966.16</u>	<u>\$ 3,266,029.71</u>	<u>\$ 1,447,581.29</u>	<u>69.29%</u>
TPA Expended		<u>102,736.35</u>	<u>59,606.10</u>	<u>2,099,537.18</u>		
TOTAL Combined		<u>\$ 390,014.91</u>	<u>\$ 147,572.26</u>	<u>\$ 5,365,566.89</u>		

TRINITY

TRINITY CAPITAL INVESTORS

March 2, 2017

Ms. Lea Ann McElroy
Mississippi Tort Claims Board
P O Box 267
Jackson, MS 39205-0267

Re: February 2017 Portfolio Highlights

Total Portfolio	Book Value	\$13,268,812
	Market Value	\$13,155,139
FY 2017 Internal Rate of Return		1.12%
Current Portfolio Book Yield		1.87%
Market Yield		2.08%
Weighted Average Life		Approximately 3.7 years
FY 2017 Earnings		118,977
Accrued Interest		39,647



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
STEPHEN C. EDDS, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
MARSHALL L. FISHER, Commissioner
Department of Public Safety
LYNN FITCH, Treasurer
Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
LAURA D. JACKSON, Executive Director
Department of Finance and Administration
GARY RIKARD, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Steve Milner
DATE: March 30, 2017
RE: Loss Control Report

Since the last Board Meeting, loss control services for the Tort Claims Board include:

- 14 Ride a Longs
- 22 State Property/Leased Property Inspections
- 2 Risk Management Consultation
- 6 Defensive Driving Classes
- 2 Post Tornado Safety Assessments
- 9 Accident Investigations
- 6 Highway Construction Safety Assessments
- 1 Emergency Support Function Meeting



STATE OF MISSISSIPPI
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MISSISSIPPI TORT CLAIMS BOARD
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LAURA D. JACKSON, Executive Director
Department of Finance and Administration
GARY RIKARD, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: March 30, 2017
RE: Additions to Defense Attorney List

RECOMMENDATION: Staff recommends approval of (3) attorneys for inclusion on Defense Attorney List

Honorable Peter C. Abide
Currie Johnson & Myers, P.A.
Biloxi, Mississippi 39532

Honorable Arthur H. Calderon
Carr Calderon, PLLC
Cleveland, Mississippi 38732

Honorable David E. Stovall
Wilkins, Patterson, Smith, Pumphrey & Doty, P.A.
Jackson, Mississippi 39211

CURRIE JOHNSON
CURRIE JOHNSON & MYERS, P.A.

ATTORNEYS AT LAW

Peter C. Abide
pabide@curriejohnson.com

925 Tommy Munro Drive
Suite H
Biloxi, Mississippi 39532

Telephone: 228-385-1010
Fax: 228-385-1011
www.curriejohnson.com

JACKSON OFFICE:
1044 River Oaks Drive
Jackson, Mississippi 39232
Telephone: 601-969-1010

March 8, 2017

Lee Ann McElroy, Administrator
Mississippi Tort Claims Board
P.O. Box 267
Jackson, MS 39205

**RE: Consideration for Inclusion on Mississippi Tort Claims Board
Counsel Panel**

Dear Ms. McElroy:

Please accept this letter as my request to be considered for approval to represent the Mississippi Tort Claims Board and all of its covered political subdivisions, entities, agencies and institutions.

I am a member in good standing with the Mississippi Bar and have practiced insurance defense law for almost 30 years. Attached for your review is my current resume.

Thank you for your consideration to allow me to serve as counsel for the Mississippi Tort Claims Board. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

CURRIE JOHNSON & MYERS, P.A.



Peter C. Abide

PCA/lis
Enclosure



Peter C. Abide

CURRIE JOHNSON

LAW FIRM

Attorneys at Law

925 Tommy Munro Drive

Suite H

Biloxi, Mississippi 39532

(228) 385-1010

(228) 385-1011 fax

pabide@curriejohnson.com

Primary practice areas:

Insurance defense, Municipal Law

Current clients: State Farm, City of Biloxi, AIG, Zurich, Coast Electric

Work experience: Over seventy jury trials over the last twenty-six years, almost all of these as solo attorney. My practice is focused on personal injury defense of all types, with an emphasis on automobile, utility work, and commercial litigation. Since 2004 I have been managing partner of Currie Johnson's Gulf Coast office located in Biloxi Commerce Park. I am currently serving as City Attorney for the City of Biloxi.

AV Rating-Martindale Hubbell; Top-Rated Lawyer-Insurance (Martindale); 2014, 2015, 2016 Mid-South Super Lawyers (Personal Injury General-Defense)

Admitted: 1986, Mississippi; 1987, U.S. District Court, Southern District of Mississippi, U.S. Court of Appeals, Fifth Circuit and U.S. Supreme Court

Law School: University of Mississippi, J.D., 1986

College: Louisiana State University, B.S. Accounting, 1981

Biography: Phi Delta Phi. Research Editor and Casenote Editor, Mississippi Law Journal, 1985-1986. Author: Note, "Demand Futility and the Business Judgment Rule," 55:1 Mississippi Law Journal, 1985; "Supreme Court Review - Contracts, Corporations and Commercial Law," 56:1 Mississippi Law Journal, 1985. Law Clerk to Justice Armis Hawkins, 1986-1987.

Personal: Born October 23, 1959; I have been a resident of Biloxi since 1987 B. C. (Before Casinos). I have been married to Judy Abide since 1991 and we have three daughters. I am an active member of several local civic organizations, Biloxi Chamber, and Gulf Coast Chamber.

Michael S. Carr, Esq.
Arthur H. Calderon, Esq.



303 Cotton Row
P.O. Box 1818
Cleveland, MS 38732
Phone: (662) 545-4445
Fax: (662) 796-3689
mcarr@carrcalderon.com
arthur@carrcalderon.com

February 17, 2017

VIA CERTIFIED MAIL

Mississippi Tort Claims Board
ATTN: Lea Ann McElroy, Administrator
501 North West Street, Suite 1301-C
Jackson, MS 39201

Dear Board,

My name is Arthur Calderón, and I am writing to express my interest in being added to the Tort Claims Approved Attorney Register for the Mississippi Tort Claims Board.

I am a law partner at Carr Calderon, PLLC, a niche-practice law firm in Cleveland, Mississippi that focuses on representing political subdivisions. At our firm, my law partner, Michael Carr, and I have represented governmental entities in litigation brought under 42 U.S.C. § 1983 and the Mississippi Tort Claims Act, including cases involving excessive force claims, wrongful detention, and overtime pay violations. Additionally, we also represent various political subdivisions in worker's compensation actions.

As a public sector defense firm, we pride ourselves in demonstrating results to our clients. For example, in *Indianola v. Riggins et al.*, we represented the City of Indianola in a wrongful death action brought in federal court. In that case, Indianola was granted summary judgment as to the 1983 claim, because the plaintiff failed to demonstrate a constitutional violation and satisfy the requisite deliberate indifference standard. Similarly, in *Atwood v. Cheney et al.*, we represented Attala County Sheriff Tim Nail in an unlawful arrest claim. In that case, we successfully moved for summary judgment based on qualified immunity.

Because of my experience, I have been recognized as a Rising Star by Mid-South Super Lawyers in the area of State, Local, and Municipal Law, and am regularly invited to give presentations, including CLEs, across the state regarding liability issues in the public sector.

Enclosed with this letter is a copy of my résumé. I would enjoy the opportunity to discuss my qualifications with you at your convenience. I can be contacted at arthur@carrcalderon.com, or on my cell, 601-718-7084. Thank you, and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Arthur H. Calderon', with a stylized, flowing script.

Arthur H. Calderón

ARTHUR H. CALDERÓN

609 South Fifth Avenue ▪ Cleveland, Mississippi 38732 ▪ Phone: 601-718-7084 ▪ arthurhcalderon@gmail.com
<https://www.linkedin.com/in/arthurhcalderon>

RELEVANT WORK EXPERIENCE

City Attorney, January 2016–Present

Alligator, Mississippi

Provide oral and written legal opinions to mayor and board of aldermen; advise municipality on ethics, open meeting requirements, and parliamentary processes; review all contracts involving municipality; draft municipal legislation; attend board meetings; advise on proposed courses of action or policy questions.

City Attorney, September 2016–Present

Shelby, Mississippi

Provide oral and written legal opinions to mayor, board of aldermen, and other municipal staff; advise municipality on ethics, open meeting requirements, and parliamentary processes; contemplate and draft municipal legislation; advise on legal ramifications of pending or potential litigation; review all contracts where municipality is a party; attend board meetings and other municipal-related meetings; advise on proposed courses of action or policy questions, including matters related to wage and hour, law enforcement, and economic development.

Managing Partner, February 2016–Present

Carr & Calderon, Cleveland, Mississippi

Defend governmental entities in actions involving the Mississippi Tort Claims Act, worker's compensation, and 42 U.S.C. § 1983; act as general counsel for local and regional for-profit and non-profit business entities; advise and counsel regional organizations on matters concerning business and economic development within the Mississippi Delta.

Special Project Consultant, December 2015–April 2016

Delta State University College of Business DEBTS Program, Cleveland, Mississippi

Advised entrepreneurs and partnering programs on matters concerning intellectual property, corporate law, and economic development.

Associate, February 2015–March 2016

Griffith & Carr, Cleveland, Mississippi

Defended governmental entities and officials in litigation concerning the Mississippi Tort Claims Act and 42 U.S.C. § 1983, including excessive force, premises liability, and discrimination claims; assisted partner with city attorney duties for Ruleville, Mississippi, by providing research, oral opinions, and written opinions on matters affecting the municipality, and attending monthly board meetings.

Judicial Clerk, March 2014–January 2015

The Honorable Albert B. Smith, III, Eleventh Circuit District Court of Mississippi, Cleveland, Mississippi

Associate Executive Director, September 2013–November 2013

Mississippi Volunteer Lawyers Project, Jackson, Mississippi

Developed and maintained partnerships with Mississippi judiciary, Bar, and other nonprofits to increase access to justice across Mississippi; developed marketing and fundraising strategies.

Staff Attorney, Director of Self-Represented Litigant Project, October 2011–September 2013

Mission First Legal Aid Office, Jackson, Mississippi

Represented low-income clients in civil matters, including business, consumer, and intellectual property law; developed and coordinated project to increase *pro se* litigants' access to trial-level courts.

EDUCATION

MISSISSIPPI COLLEGE SCHOOL OF LAW, J.D., *cum laude*, May 2011

Honors: Order of Barristers; Legal Research Fellow; AmJur Awards – Legal Writing I and II, Counseling & Negotiation; Adams & Reese Pro Bono Award

Activities: Moot Court Board, Phi Delta Phi, Philip C. Jessup International Law Moot Court Competition; Ogletree Deakins Mississippi Moot Court Championship; International Law Society (President)

MISSISSIPPI STATE UNIVERSITY, B.S. in Psychology, *cum laude*, December 2003

BAR ADMISSIONS

All state and federal courts in Mississippi

U.S. Court of Appeals for the Fifth Circuit

PROFESSIONAL AND COMMUNITY INVOLVEMENT

Mississippi Bar Association, 2011-Present

Leadership Forum (2016)

Delta Young Lawyers (President, 2016-Present)

Young Lawyers Division (2011-Present)

Government Law Section

American Bar Association, 2008-Present

State and Local Government Law Section

Young Lawyers Division

Litigation Section

Bolivar County Bar Association, 2014-Present

Vice-President, 2016-Present

Defense Research Institute

Governmental Liability Committee

Young Lawyers Committee

RECENT DECISIONS

Riggins v. City of Indianola, 2016 U.S. Dist. LEXIS 96549 (N.D. Miss. July 25, 2016)

Atwood v. Cheney et al., Cause No. 1:12-CV-168-A-S (S.D. Miss. July 14, 2016)

Starks v. Keys, 2016 U.S. Dist. LEXIS 40226 (N.D. Miss. March, 28, 2016)

SELECTED PUBLICATIONS AND SPEAKING ENGAGEMENTS

“K-9 Units and Excessive Force: A Look at the Fifth Circuit's *Cooper v. Brown* Decision,” Defense Research Institute Government Liability Blog, January 3, 2017.

“Ethical Issues in Drug Court”, presentation to the Mississippi Association of Drug Court Professionals at its annual conference, Tupelo, MS, August 25, 2016.

“Claims Against Public Entities Under the Mississippi Tort Claims Act and 42 U.S.C. Section 1983,” CLE presentation at Mississippi College School of Law, July 22, 2016.

“Mississippi School Law for Beginning Teachers: Impact of the Mississippi Tort Claims Act in the Classroom”, presentation for Teach for America Summer Institute, Delta State University, Cleveland, MS, July 20, 2016.

“Spotlight on Cleveland School District: A Summary of the Northern District of Mississippi's Opinion and Order on *Cowan et al. v. Bolivar County Board of Education et al.*,” Carr Calderon's Governmental Liability Focus, May 16, 2016.

Arthur H. Calderon & Michael S. Carr, Fearing Fido: Recent Trends Involving First Responders, Man's Best Friend, and Damages, 9 Blue Review 22 (2015).

“Introduction to the U.S. Legal System and Freedom of Speech from a Cross-Cultural Perspective”, presentation to law school faculty delegation from John Paul II Catholic University, Lublin, Poland at Delta State University, Cleveland, MS, October 2, 2015.

“Ethical and Liability Issues in Adult Drug Court”, presentation to the Mississippi Association of Drug Court Professionals at its annual conference, Biloxi, MS, August 21, 2015.

WILKINS PATTERSON

WILKINS PATTERSON SMITH PUMPHREY & DOTY, P.A.
ATTORNEYS AT LAW

DAVID E. STOVALL

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March 2, 2017

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Ms. Lea Ann McElroy
Mississippi Tort Claims Board
501 North West Street, Suite 1301-C
Jackson, Mississippi 39201

RE: Tort Claims Approved Attorney Register Request

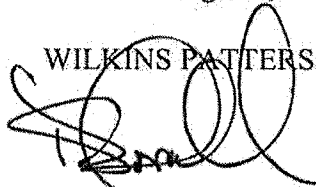
Dear Ms. McElroy,

As you may recall, we spoke a short time ago about my request to be added to the Tort Claims Approved Attorney Register. As instructed, I have included my resume for the Board's consideration. In addition, I meet the minimum number of years of experience, having been admitted to the Mississippi Bar on October 10, 2007. I am also in good standing with the Mississippi Bar Association.

Should you require any additional information or have any questions that I may address, please feel free to contact me. I appreciate your assistance with my request.

With kind regards,

WILKINS PATTERSON

A handwritten signature in black ink, appearing to read 'D. Stovall', is written over the printed name 'WILKINS PATTERSON'.

David E. Stovall

Enclosure

DAVID E. STOVALL

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Jackson, Mississippi 39236

Licensed to Practice
Mississippi

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- Education** **Doctor of Jurisprudence, Mississippi College School of Law, May 2007**
Master of Science, The University of Southern Mississippi, August 2004
Major: Instructional Technology
Bachelor of Arts, Mississippi State University, May 2003
Major: Communications with emphasis on Public Relations & Communication Studies
Associate of Arts, Hinds Community College, May 2000
Major: Emphasis in Biology
- Experience** **Associate Attorney, February 2017 – Present**
***Wilkins Patterson Smith Pumphrey and Doty, P.A.*, Jackson, Mississippi**
Practice Areas: Automobile Accident Defense, Bad Faith Defense, Construction Defense and Consulting, Domestic Relations, Insurance Policy Coverage Opinions and Disputes, Insurer Examinations Under Oath, Labor and Employment, Litigation and Insurance Defense, Premises Liability, Trucking Accident Defense, Uninsured Motorist Defense, and Workers' Compensation Defense
- Senior Staff Attorney, November 2014 – February 2017**
 Staff Attorney, January 2013 – November 2014
 ***Mississippi State Personnel Board*, Jackson, Mississippi**
Responsibilities: Legislative monitoring and review of all bills introduced during each session; Assist with development and implementation of policies and procedures of the agency; Assist operations of the MSPB, Personal Service Contract Review Board, and Employee Appeals Board; Perform harassment and workforce training, and ethics and compliance training; Responsible for reviewing, recommending, and revising various agency correspondence, internal reports, memoranda, publications, and web-based materials
- Associate Attorney, April 2008 – December 2012**
 ***Wilkins Tipton, P.A.*, Jackson, Mississippi**
Practice Areas: Automobile Accident Defense, Bad Faith Defense, Construction Defense and Consulting, Domestic Relations, Insurance Policy Coverage Opinions and Disputes, Insurer Examinations Under Oath, Litigation and Insurance Defense, Premises Liability, Trucking Accident Defense, Uninsured Motorist Defense, and Wills and Estates
- Associate Attorney, August 2007 – April 2008**
 ***Boackle Law Firm, PLLC*, Ridgeland, Mississippi**
Practice Areas: Real Estate Litigation, Contracts, and Closings
- Adjunct Instructor, August 2004 – May 2008**
 ***Business and Office Technology Department, Hinds Community College*, Pearl, Mississippi**
Classes Taught: Database Management, Business Math, Business Accounting, and Computerized Accounting



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
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Department of Finance and Administration
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Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: March 30, 2017
RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 26 political subdivisions shown on attached list.

MISSISSIPPI TORT CLAIMS BOARD

Thursday, March 30, 2017

Political Subdivisions Recommended for Renewal of Certificate of Coverage

Alcorn County Fire Services
Belden Volunteer Fire Department, Inc.
Boyle City Clerk
Clarksdale City Clerk
Fernwood Fire Department
Fulton City Clerk
Harrison County Board of Supervisors
Indianola City Clerk
Issaquena County Board of Supervisors
Jackson County Port Authority
Lewisburg Volunteer Fire Department
Mars Hill Volunteer Fire Department
Mississippi Municipal Liability Plan
Oak Vale Volunteer Fire Department, Inc.
Oktibbeha County Hospital
Region XIII Commission for Mental Health
Sharkey-Issaquena County Library Association
Simpson County School District
Southwest Mississippi Regional Medical Center
Taylorsville City Clerk
Tunica County Board of Supervisors
Tupelo City Clerk
Valley View Volunteer Fire Department
West Covington Volunteer Fire Department, Inc.
West Hancock Fire Protection District
West Madison Utility District

Total 26